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ENGROSSED SUBSTITUTE SENATE BILL 5538

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State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Esser, Prentice, Rossi, Benton, Finkbeiner, Johnson, T. Sheldon, Roach, Schmidt and Oke)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to election and authority of regional transit  
2 authority board members; amending RCW 81.112.010, 81.112.020, and  
3 81.112.030; adding new sections to chapter 81.112 RCW; creating a new  
4 section; repealing RCW 81.112.040; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.112 RCW  
7 to read as follows:

8 (1) A regional transit authority is governed by an elected board  
9 consisting of nine members elected from nine numbered districts in  
10 nonpartisan primary and general elections commencing with the elections  
11 held in 2003. Commencing with such elections, a person seeking  
12 election or serving on the board may not hold other public office and  
13 must be a registered voter residing in the relevant electoral district  
14 during the term in office and for a period from at least thirty days  
15 before filing a petition for candidacy.

16 (2) A five-member districting commission appointed by the governor  
17 shall define the districts as soon as possible after the effective date  
18 of this act. Each commission member must reside in a different  
19 authority subarea. The districting commission has all reasonably

1 necessary powers and shall determine a reasonable budget, which must be  
2 funded upon its request, by an authority. The districting commission  
3 shall promptly approve a plan for nine numbered electoral districts in  
4 a service area, and publicize and file the plan with the county clerks  
5 of the counties within a service area. The plan must be drawn to  
6 ensure that the electoral districts have nearly equal populations (in  
7 accord with the one-person-one-vote principle); do not divide a  
8 precinct; are compact, convenient, and contiguous; and minimize the  
9 number of districts that consist of portions of different counties or  
10 different authority subareas. An objection to the plan must commence  
11 within thirty days, and be heard within sixty days, of filing the plan.

12 (3) Upon certification of the 2003 general election, terms of  
13 office of an authority's board members expire, if any are existing on  
14 the effective date of this act, and the nine elected members shall take  
15 office. Each elected member shall serve the remainder of 2003 plus an  
16 additional period of two or four years. Lots must be drawn to  
17 determine which five of the nine elected members shall serve an  
18 additional four years, and which four of the nine elected members shall  
19 serve an additional two years. All successors elected in subsequent  
20 elections in odd-numbered years will have terms of office for four  
21 years, commencing January 1st after the election.

22 (4) An authority's board positions become vacant upon failure to  
23 maintain residence or other qualification, recall, death, resignation,  
24 or adjudication of permanent disability. The vacancy must be filled as  
25 provided in chapter 42.12 RCW. The appointed temporary member shall  
26 serve until a successor for the remainder of the vacated term is chosen  
27 in the next primary and general election.

28 (5) Every decade, after release of federal census information, the  
29 governor shall appoint a new districting commission in accord with  
30 subsection (2) of this section. The commission shall operate in accord  
31 with the standards provided in subsection (2) of this section, and  
32 shall prepare a timetable for transition to any new districts.

33 (6) Notwithstanding any other provision of law, to allow staggered  
34 terms after a redistricting, a board member who has an uncompleted  
35 four-year term and no longer resides in his or her prior district  
36 solely due to redistricting, shall serve the remainder of the four-year  
37 term.

1 (7) Major decisions of the authority require a favorable vote of  
2 two-thirds of the entire membership. "Major decisions" include at  
3 least the following: System plan adoption and amendment; system  
4 phasing decisions; annual budget adoption; authorization of  
5 annexations; modification of board composition; and executive director  
6 employment.

7 (8) Each member of the board is eligible to be reimbursed for  
8 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to  
9 receive compensation as provided in RCW 43.03.250. However, a board  
10 member may elect to be alternatively compensated upon the same terms  
11 and conditions as a member of any port district in the area served by  
12 such authority.

13 **Sec. 2.** RCW 81.112.010 and 1992 c 101 s 1 are each amended to read  
14 as follows:

15 The legislature recognizes that existing transportation facilities  
16 in the central Puget Sound area are inadequate to address mobility  
17 needs of the area. The geography of the region, travel demand growth,  
18 and public resistance to new roadways combine to further necessitate  
19 the rapid development of alternative modes of travel.

20 The legislature finds that local governments have been effective in  
21 cooperatively planning a multicounty, high capacity transportation  
22 system. However, a continued multijurisdictional approach to funding,  
23 construction, and operation of a multicounty high capacity  
24 transportation system may impair the successful implementation of such  
25 a system.

26 The legislature finds that a single agency will be more effective  
27 than several local jurisdictions working collectively at planning,  
28 developing, operating, and funding a high capacity transportation  
29 system. The single agency's services must be carefully integrated and  
30 coordinated with public transportation services currently provided. As  
31 the single agency's services are established, any public transportation  
32 services currently provided that are duplicative should be eliminated.  
33 Further, the single agency must coordinate its activities with other  
34 agencies providing local and state roadway services, implementing  
35 comprehensive planning, and implementing transportation demand  
36 management programs and assist in developing infrastructure to support  
37 high capacity systems including but not limited to feeder systems, park

1 and ride facilities, intermodal centers, and related roadway and  
2 operational facilities. Because the legislature finds an overriding  
3 need to ensure that the single agency is accountable to the people,  
4 coordination can be best achieved through ((common governance, such as  
5 integrated governing boards)) election of board members by districts.

6 It is therefore the policy of the state of Washington to empower  
7 counties in the state's most populous region to create a local agency  
8 for planning and implementing a high capacity transportation system  
9 within that region. The authorization for such an agency, except as  
10 specifically provided in this chapter, is not intended to limit the  
11 powers of existing transit agencies.

12 **Sec. 3.** RCW 81.112.020 and 1999 c 20 s 2 are each amended to read  
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in  
15 this section apply throughout this chapter.

16 (1) "Authority" means a regional transit authority authorized under  
17 this chapter.

18 (2) "Board" means the board of a regional transit authority.

19 (3) "Service area" or "area" means the area included within the  
20 boundaries of a regional transit authority.

21 (4) "System" means a regional transit system authorized under this  
22 chapter and under the jurisdiction of a regional transit authority.

23 (5) "Facilities" means any lands, interest in land, air rights over  
24 lands, and improvements thereto including vessel terminals, and any  
25 equipment, vehicles, vessels, and other components necessary to support  
26 the system.

27 (6) "Proof of payment" means evidence of fare prepayment authorized  
28 by a regional transit authority for the use of trains, including but  
29 not limited to commuter trains and light rail trains.

30 (7) "Subarea" means one of the five areas within an authority's  
31 boundaries as identified in an authority's system plan adopted in May  
32 1996.

33 **Sec. 4.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read  
34 as follows:

35 Two or more contiguous counties each having a population of four

1 hundred thousand persons or more may establish a regional transit  
2 authority to develop and operate a high capacity transportation system  
3 as defined in chapter 81.104 RCW.

4 The authority shall be formed in the following manner:

5 (1) The joint regional policy committee created pursuant to RCW  
6 81.104.040 shall adopt a system and financing plan, including the  
7 definition of the service area. This action shall be completed by  
8 September 1, 1992, contingent upon satisfactory completion of the  
9 planning process defined in RCW 81.104.100. The final system plan  
10 shall be adopted no later than June 30, 1993. In addition to the  
11 requirements of RCW 81.104.100, the plan for the proposed system shall  
12 provide explicitly for a minimum portion of new tax revenues to be  
13 allocated to local transit agencies for interim express services. Upon  
14 adoption the joint regional policy committee shall immediately transmit  
15 the plan to the county legislative authorities within the adopted  
16 service area.

17 (2) The legislative authorities of the counties within the service  
18 area shall decide by resolution whether to participate in the  
19 authority. This action shall be completed within forty-five days  
20 following receipt of the adopted plan or by August 13, 1993, whichever  
21 comes first.

22 ~~(3) ((Each county that chooses to participate in the authority~~  
23 ~~shall appoint its board members as set forth in RCW 81.112.040 and~~  
24 ~~shall submit its list of members to the secretary of the Washington~~  
25 ~~state department of transportation. These actions must be completed~~  
26 ~~within thirty days following each county's decision to participate in~~  
27 ~~the authority.~~

28 ~~(4))~~ The secretary shall call the first meeting of the authority,  
29 to be held within thirty days following receipt of the ~~((appointments))~~  
30 names of the elected board members. At its first meeting, the  
31 authority shall elect officers and provide for the adoption of rules  
32 and other operating procedures.

33 ~~((+5))~~ (4) The authority is formally constituted at its first  
34 meeting and the board shall begin taking steps toward implementation of  
35 the system and financing plan adopted by the joint regional policy  
36 committee. If the joint regional policy committee fails to adopt a  
37 plan by June 30, 1993, the authority shall proceed to do so based on  
38 the work completed by that date by the joint regional policy committee.

1 Upon formation of the authority, the joint regional policy committee  
2 shall cease to exist. The authority may make minor modifications to  
3 the plan as deemed necessary and shall at a minimum review local  
4 transit agencies' plans to ensure feeder service/high capacity transit  
5 service integration, ensure fare integration, and ensure avoidance of  
6 parallel competitive services. The authority shall also conduct a  
7 minimum thirty-day public comment period.

8 ~~((+6+))~~ (5) If the authority determines that major modifications to  
9 the plan are necessary before the initial ballot proposition is  
10 submitted to the voters, the authority may make those modifications  
11 with a favorable vote of two-thirds of the entire membership. Any such  
12 modification shall be subject to the review process set forth in RCW  
13 81.104.110. The modified plan shall be transmitted to the legislative  
14 authorities of the participating counties. The legislative authorities  
15 shall have forty-five days following receipt to act by motion or  
16 ordinance to confirm or rescind their continued participation in the  
17 authority.

18 ~~((+7+))~~ (6) If any county opts to not participate in the authority,  
19 but two or more contiguous counties do choose to continue to  
20 participate, the authority's board shall be revised accordingly. The  
21 authority shall, within forty-five days, redefine the system and  
22 financing plan to reflect elimination of one or more counties, and  
23 submit the redefined plan to the legislative authorities of the  
24 remaining counties for their decision as to whether to continue to  
25 participate. This action shall be completed within forty-five days  
26 following receipt of the redefined plan.

27 ~~((+8+))~~ (7) The authority shall place on the ballot within two  
28 years of the authority's formation, a single ballot proposition to  
29 authorize the imposition of taxes to support the implementation of an  
30 appropriate phase of the plan within its service area. In addition to  
31 the system plan requirements contained in RCW 81.104.100(2)(d), the  
32 system plan approved by the authority's board before the submittal of  
33 a proposition to the voters shall contain an equity element which:

34 (a) Identifies revenues anticipated to be generated by corridor and  
35 by county within the authority's boundaries;

36 (b) Identifies the phasing of construction and operation of high  
37 capacity system facilities, services, and benefits in each corridor.

1 Phasing decisions should give priority to jurisdictions which have  
2 adopted transit-supportive land use plans; and

3 (c) Identifies the degree to which revenues generated within each  
4 county will benefit the residents of that county, and identifies when  
5 such benefits will accrue.

6 A simple majority of those voting within the boundaries of the  
7 authority is required for approval. If the vote is affirmative, the  
8 authority shall begin implementation of the projects identified in the  
9 proposition. However, the authority may not submit any authorizing  
10 proposition for voter-approved taxes prior to July 1, 1993; nor may the  
11 authority issue bonds or form any local improvement district prior to  
12 July 1, 1993.

13 ~~((9))~~ (8) If the vote on a proposition fails, the board may  
14 redefine the proposition, make changes to the authority boundaries, and  
15 make corresponding changes to the composition of the board, subject to  
16 section 1 of this act. If the composition of the board is changed, the  
17 participating counties shall revise the membership of the board  
18 accordingly, subject to section 1 of this act. The board may then  
19 submit the revised proposition or a different proposition to the  
20 voters. No single proposition may be submitted to the voters more than  
21 twice. The authority may place additional propositions on the ballot  
22 to impose taxes to support additional phases of plan implementation.

23 If the authority is unable to achieve a positive vote on a  
24 proposition within two years from the date of the first election on a  
25 proposition, the board may, by resolution, reconstitute the authority  
26 as a single-county body. With a two-thirds vote of the entire  
27 membership of the voting members, the board may also dissolve the  
28 authority.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 81.112 RCW  
30 to read as follows:

31 (1) Subject to subsection (2) of this section, an authority board  
32 that was not elected as provided for in section 1 of this act may not  
33 make expenditures, incur any debt, issue any bonds, or enter into any  
34 agreement, for the purpose of implementing a light rail transit system  
35 in a county with a population over one million five hundred thousand  
36 persons.

1           (2) An authority may make expenditures under this section solely  
2 for the purpose of retiring debt or fulfilling contractual obligations,  
3 if any, relative to a light rail system, incurred or entered into  
4 before the effective date of this act.

5           NEW SECTION.   **Sec. 6.**   RCW 81.112.040 (Board appointments--Voting--  
6 Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed.

7           NEW SECTION.   **Sec. 7.**   This act is remedial in nature and applies  
8 to all regional transit authorities established before or after the  
9 effective date of this act.

10          NEW SECTION.   **Sec. 8.**   This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of the  
12 state government and its existing public institutions, and takes effect  
13 immediately.

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